

Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

### § 1607. Rules of construction

#### (a) Constitutional rights

Nothing in this chapter shall be construed to prohibit or interfere with—

- (1) the right to petition the Government for the redress of grievances;
- (2) the right to express a personal opinion; or
- (3) the right of association,

protected by the first amendment to the Constitution.

#### (b) Prohibition of activities

Nothing in this chapter shall be construed to prohibit, or to authorize any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this chapter.

#### (c) Audit and investigations

Nothing in this chapter shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

(Pub. L. 104-65, § 8, Dec. 19, 1995, 109 Stat. 699.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

### § 1608. Severability

If any provision of this chapter, or the application thereof, is held invalid, the validity of the remainder of this chapter and the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 104-65, § 13, Dec. 19, 1995, 109 Stat. 701.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

### § 1609. Identification of clients and covered officials

#### (a) Oral lobbying contacts

Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

- (1) state whether the person or entity is registered under this chapter and identify the client on whose behalf the lobbying contact is made; and
- (2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 1603(b)(4) of this

title that has a direct interest in the outcome of the lobbying activity.

#### (b) Written lobbying contacts

Any person or entity registered under this chapter that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

- (1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this chapter, and state whether the person making the lobbying contact is registered on behalf of that client under section 1603 of this title; and
- (2) identify any other foreign entity identified pursuant to section 1603(b)(4) of this title that has a direct interest in the outcome of the lobbying activity.

#### (c) Identification as covered official

Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

(Pub. L. 104-65, § 14, Dec. 19, 1995, 109 Stat. 702.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (b), was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

### § 1610. Estimates based on tax reporting system

#### (a) Entities covered by section 6033(b) of title 26

A registrant that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of title 26 may—

- (1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 1603(a)(3) and 1604(b)(4) of this title; and
- (2) in lieu of using the definition of “lobbying activities” in section 1602(7) of this title, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of title 26.

#### (b) Entities covered by section 162(e) of title 26

A registrant that is subject to section 162(e) of title 26 may—

- (1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such section for the appropriate semiannual period to meet the requirements of sections 1603(a)(3) and 1604(b)(4) of this title; and
- (2) in lieu of using the definition of “lobbying activities” in section 1602(7) of this title, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of title 26.

#### (c) Disclosure of estimate

Any registrant that elects to make estimates required by this chapter under the procedures

authorized by subsection (a) or (b) of this section for reporting or threshold purposes shall—

- (1) inform the Secretary of the Senate and the Clerk of the House of Representatives that the registrant has elected to make its estimates under such procedures; and
- (2) make all such estimates, in a given calendar year, under such procedures.

**(d) Study**

Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) of this section and report to the Congress—

- (1) the differences between the definition of “lobbying activities” in section 1602(7) of this title and the definitions of “lobbying expenditures”, “influencing legislation”, and related terms in sections 162(e) and 4911 of title 26, as each are implemented by regulations;
- (2) the impact that any such differences may have on filing and reporting under this chapter pursuant to this subsection; and
- (3) any changes to this chapter or to the appropriate sections of title 26 that the Comptroller General may recommend to harmonize the definitions.

(Pub. L. 104-65, §15, Dec. 19, 1995, 109 Stat. 702.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c) and (d)(2), (3), was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

**§ 1611. Exempt organizations**

An organization described in section 501(c)(4) of title 26 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, or loan.

(Pub. L. 104-65, §18, Dec. 19, 1995, 109 Stat. 703; Pub. L. 104-99, title I, §129(a), Jan. 26, 1996, 110 Stat. 34.)

AMENDMENTS

1996—Pub. L. 104-99 substituted “award, grant, or loan” for “award, grant, contract, loan, or any other form”.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 129(b) of Pub. L. 104-99 provided that: “The amendment made by subsection (a) [amending this section] shall take effect as if included in the Lobbying Disclosure Act of 1995 [Pub. L. 104-65] on the date of the enactment of such Act [Dec. 19, 1995].”

**§ 1612. Sense of Senate that lobbying expenses should remain nondeductible**

**(a) Findings**

The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

**(b) Sense of Senate**

It is the sense of the Senate that lobbying expenses should not be tax deductible.

(Pub. L. 104-65, §23, Dec. 19, 1995, 109 Stat. 705.)